

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

923 WRIT PETITION NO.4407 OF 2021

**ANAND SHESHRAO BHAROSE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Shri V.D. Salunke h/f Shri Chavan Sudhir K.

AGP for Respondents-State : Shri R.D. Sanap

Advocate for Respondent Nos. 2 to 4 : Shri V.H. Dighe

Advocate for respondent No. 7 : Shri Mahesh S. Deshmukh

Advocate for respondent No. 16 : Shri Subhash V. Mundhe

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CORAM : N.J. JAMADAR, J.

DATE : 09/03/2021

P.C. :

1. Leave to amend so as to correct the name of respondent No. 16.
2. Amendment be carried out forthwith.
3. The challenge in this Writ Petition is to an order passed by the Election Officer of Parbhani, District Central Co-Operative Bank Ltd., Parbhani on 22rd February, 2021 whereby, the objection of the petitioner to the nomination form of respondent No. 8 came to be rejected.
4. For the election to the Committee of respondent No. 7, a federal society, the respondent No. 8 has filed nomination from "Other

Agriculture Society” Constituency. It was the case of the petitioner that respondent No. 8 was the defaulter of Parbhani Peoples Co-Operative Bank, Parbhani (Under Liquidation)- respondent No. 16 and, therefore, was not eligible to contest election to the Committee of the respondent No. 7 Bank. The Returning Officer, respondent No. 4, was persuaded to reject the objection on the ground that no material was placed on record to substantiate the claim that respondent No. 8 was a defaulter.

5. The learned counsel for the petitioner would urge that respondent No. 4 exercised the authority in a capricious manner. The respondent No. 4 himself was the liquidator of respondent No. 16 Bank. He was fully aware that respondent No. 8 was a defaulter. On the one hand, respondent No. 4 had called information from the concerned Societies vide communication dated 22nd February 2021 as regards the defaulters. On the other hand, the efforts made by the petitioner to get the requisite information were frustrated by not furnishing the information on one or the other pretext. In this view of the matter, the rejection of the objection on the count that the petitioner could not substantiate the same is specious, urged the learned counsel for the petitioner.

6. The material placed on record indicates that the petitioner had sought requisite documents from the concerned authority. However,

it stops at that. The nomination could have been legitimately rejected only if it could be objectively shown that respondent No. 8 was a defaulter. At this juncture the grievance of the petitioner that had the information been supplied it would have revealed the fact that respondent No. 8 is defaulter is in the realm of surmises.

7. In opposition to this, the learned counsel for respondent No. 16 has tendered a copy of the communication dated 24th February 2021 addressed to the petitioner, wherein the Manager of respondent No. 16 has categorically asserted that as of 23th February, 2021 the respondent No. 8 did not owe any amount to the respondent No. 16 Bank. The situation which thus obtains is that there is a positive material to show that the respondent No. 8 was not a defaulter of respondent No. 16.

8. In the aforesaid view of the matter, this Court does not find any justification to interfere with the impugned order.

9. The petition accordingly stands dismissed.

(N.J. JAMADAR)
JUDGE

mahajansb/